

01-R-1063

Entered -06-11-01 - sb  
CL 00L0365 - GWENDOLYN BURNS

CLAIM OF:

EVELYN K. SCHAFIZADEH  
280 King Road  
Atlanta, Georgia 30342

For vehicular damages alleged to have been sustained from a construction cut that was left open and in an unsafe condition on May 29, 2001 at 339 Argonne Drive.

THIS ADVERSED REPORT IS  
APPROVED

BY: Rosalind Rubens Newell by  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY Robert N. Cory DCA

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0365

Date: June 26, 2000

Claimant /Victim EVELYN K. SHAFIZADEH  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 280 King Road, Atlanta, Georgia 30342  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 185.70 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 6/6/01 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 5/29/01 Place: 339 Argonne Drive, NE  
Department \_\_\_\_\_ Division \_\_\_\_\_  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** Claimant alleges that her vehicle sustained damage when she drove over a sewer construction site in the roadway that was left open and in an unsafe manner. An investigation determined that an outside contractor performed work at the incident location. The claimant has been notified and her claim has been forwarded to the contractor for immediate resolution.

### INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_


### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 06-28-01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RECEIVED

JUN 06 2001

MUNICIPAL CLERK

RE: CLAIM FOR DAMAGES

Today's Date: 6-4-01

ENTERED - 06-11-01 - DP  
01L0365 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 185.70 proper and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 5-29-01 2. Time of Incident: 3:15 PM 3. Police called: Yes ☒ No ☐  
(month/day/ year)
4. Location of incident (including street address): Between 339 ARGONNE &
5. Name of your insurance company: ALLSTATE Policy No. \$500 Deductible
6. State what and how incident occurred: A company hired by City of ATLANTA CALLED Institutum / Forest Parkway were ALIGHTING Sewer Lines in the middle of the road. I had to MANUEVER my CAR TO THE RIGHT OF THEIR equipment - SEE OTHER
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).  
Your vehicle: 1993 Oldsmobile 88 Evelyn K. Shafizadeh  
(Make) (Year) (Tag Number) (Driver's Name)  
City vehicle: Equipment - Institutum - Hired by City  
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: Jeffrey M. Shafizadeh (son) 15 years old 404-846-1167  
(Name) (Address) (Telephone Number)  
280 KING RD ATL 6A 30342
10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT:

Evelyn K. Shafizadeh  
Signature of Claimant

Evelyn K. Shafizadeh  
(Print Claimant's Name)

280 KING RD.  
(Address)

ATLANTA, GA 30342  
(City, State and Zip Code)

404-846-1167  
(Work Number) 01-K-1068 (Home Number)

Mike or Andre AT Paces Ferry  
Amoco - I have work done  
they on a REGULAR basis - they SAW  
the CAR AFTER IT HAPPENED &  
FIXED IT  
EKS

Evelyn K. Shafizadeh  
280 King Rd., N.W.  
Atlanta, Ga. 30342

Council Of the City of Atlanta  
Municipal Clerk  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

Attention: Municipal Clerk

Dear Sir:

Thank you for sending me the paperwork to file a claim for the damage to my tires on May 29, 2001. This is what happened: I was heading Northwest on Argonne in the Buckhead area about 3:15PM after picking my son up from Christ the King School on Peachtree Way Drive. As I passed the address 339 Argonne and continued on my way home, I had to pull to the right of a crew of workers that were working on the street. I pulled to the right to get by, but there was very little room to maneuver my automobile and as I tried to squeeze between the curb and the equipment, the very rough and jagged granite rubble curbing gouged my two right tires puncturing them and damaging the wheels.

At the time, I did not realize that the tires had actually been puncturing, but as I got to the corner of Northside Parkway and Northside Dr., the two tires blew and went flat leaving my son and I stranded. We pulled off into the Northside Baptist Church parking lot and called my husband to come and get us.

Paces Ferry Amoco did the repair work. I have enclosed a copy of the bill.

(2)

The next day I returned to the site of the incident. I received the name of the company working from the workers; however, no one seemed to know the whereabouts of this company, called Instituform/Forest Parkway. I was only told that they had been contracted by the City of Atlanta to align the sewer lines.

The cost of replacing two tires and straightening the two wheels, plus balancing the two tires was \$185.70. Please send me a check for this amount to cover the damages I incurred at the hands of this company, hired by you. The cost of my husband leaving work two hours early and getting the car fixed is left at your discretion.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Evelyn K. Shafizadeh'.

Evelyn K. Shafizadeh

6/2/01